

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 10-1760 JB

MICHAEL HARMON,

Defendant.

MEMORANDUM OPINION AND ORDER

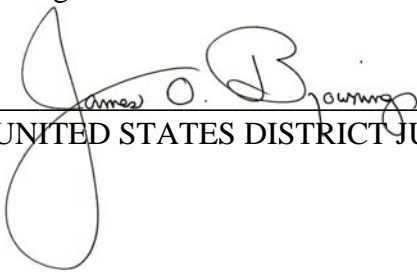
THIS MATTER comes before the Court on the Motion by Way of the Defendant to Be Moved to a Facility that Has or Can Provide Equal Access to the Court, filed September 28, 2011 (Doc. 90)(“Motion”). The Court held a hearing on March 9, 2012. The primary issue is whether the Court should order that Defendant Michael Harmon be transferred to a different prison facility where he has better access to legal materials. Because Harmon has agreed that the Court may deny the Motion without prejudice, the Court will deny the Motion without prejudice to Harmon.

Since the time Harmon filed the Motion, the Court appointed a new attorney for Harmon, who is now Harmon’s fourth attorney. See Memorandum Opinion and Order at 1-2, filed October 7, 2011 (Doc. 91). At the hearing on March 9, 2012, Harmon stated that the Court could deny without prejudice his Motion, because his attorney is consistently in contact with him, and he has been able to receive his attorney’s assistance at the current facility. See Transcript of Hearing at 28:10:29-13 (taken March 9, 2012)(Court, Walz)(“Tr.”).¹ The Court then denied the Motion without prejudice to Harmon renewing it if he needs legal assistance down the road. See Tr. at 29:10-13

¹The Court’s citations to the transcript of the hearing refer to the court reporter’s original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

(Court).

IT IS ORDERED that the Motion by Way of the Defendant to Be Moved to a Facility that Has or Can Provide Equal Access to the Court, filed September 28, 2011 (Doc. 90), is denied without prejudice to Defendant Michael Harmon renewing his request if circumstances make such a motion necessary and appropriate later in the proceeding.



UNITED STATES DISTRICT JUDGE

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